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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,496	03/01/2004	Ryuichi Iwamura	50T5713.02	9501

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ROGITZ & ASSOCIATES
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SUITE 3120
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EXAMINER	
PHUNKULH, BOB A	
ART UNIT	PAPER NUMBER
2419	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,496	IWAMURA, RYUICHI	
	Examiner	Art Unit	
	BOB A. PHUNKULH	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The finality of the previous office action mailed 9/26/2008 is hereby withdrawn.

This communication is in response to applicant's 11/11/2008 amendment(s)/response(s) in the application of **IWAMURA** for "**SYSTEM AND METHOD FOR MULTI-LINK COMMUNICATION IN HOME NETWORK**" filed 03/01/2004. The amendment/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-25 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *FALVO* et al. (US 2003/0140343), hereinafter *FALVO*.

Regarding claim 1, *FALVO* discloses a home entertainment system, comprising:

at least one server configured for both wired and wireless communication (the combination of digital set top box/cable modem 335 and WLAN bridge 330, see figure 3); and

at least one component configured for communicating with the server along a wired path and also being configured for communicating with the server along a

wireless path (the display devices 310-325 are connectable to WLAN bridge 330 via either twisted pair connection or via RF link, see figure 5, and paragraph 0048).

FALVO fails to explicitly discloses that the server determining which path to use for communication based one of the component preference or bandwidth capability and the occupancy ratio.

FALVO, however, discloses that display devices 320, 325 are connected to WLAN 330 via twisted pair and the display devices are also support both HomeRF and 802.11b wireless protocol (see paragraph 0048).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to select the communication path (either wireless or wired) based on component preference or bandwidth capacity in the system taught by *FALVO* when communicating with twisted pair connected 80211b wireless capable display devices (320, 325) in order to communicate data immediately and effectively.

Regarding claim 2, *FALVO* discloses a respective address is associated with each path over which the component communicates (see paragraph 0079).

Regarding claim 3, *FALVO* discloses the addresses are IP addresses (see paragraph 0079).

Regarding claim 4, *FALVO* discloses the component is selected from the group of components consisting of: televisions, and portable computers (see figure 3).

Regarding claim 5, *FALVO* discloses the component is a TV (see figure 3).

Regarding claim 6, *FALVO* discloses at least one of: the server, and component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair and communicating based on each preferred connection).

Regarding claim 9, *FALVO* discloses a method for communicating a home network, comprising:

determining that both a wired and a wireless path exist between the components (as show in figure 3, display devices 320, and 325 are connectable to WLAN Bridge 330 via wireless or RF link and twisted pair, see paragraph 0048).

FALVO fails to explicitly discloses that the server determining which path to use for communication based one of the component preference or bandwidth capability and the occupancy ratio.

FALVO, however, discloses that display devices 320, 325 are connected to WLAN 330 via twisted pair and the display devices are also support both HomeRF and 802.11b wireless protocol (see paragraph 0048).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to select the communication path (either wireless or wired) based on component preference or bandwidth capacity in the system taught by *FALVO* when communicating with twisted pair connected 80211b wireless capable display devices (320, 325) in order to communicate data immediately and effectively.

Regarding claim 10, *FALVO* discloses communicating simultaneously between the components using both paths (the WLAN Bridge is simultaneously connectable to a display device connected by twisted pair link and a second display device connected by RF link, see figure 3).

Regarding claim 11, *FALVO* discloses a respective address is associated with each path over which the component communicates (see paragraph 0079).

Regarding claim 12, *FALVO* discloses the addresses are IP addresses (see paragraph 0079).

Regarding claim 13, *FALVO* discloses at least one component is selected from the group of components consisting of: televisions, and portable computers (see paragraph 0013).

Regarding claim 14, *FALVO* discloses the component is a TV (see paragraph 0013).

Regarding claim 15, *FALVO* discloses at least one of: a server, and a component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 18, *FALVO* discloses a system for communicating between at least first and second components in a home network, comprising:

means for establishing a wired communication path between the components (802.3 10BASE-T interface, see figure 14);

means for establishing a wireless communication path between the components (RF PHY, see figure 4);

means for communicating data over a component-preferred path when a component-preferred path is indicated, the component-preferred path being selected from the wired and wireless communication paths (figure 3 show the preferred path for display devices 320, 325 are twisted pair link and display device 310, and 315 is RF link).

FALVO fails to explicitly discloses that the server determining which path to use for communication based one of the component preference or bandwidth capability and the occupancy ratio.

FALVO, however, discloses that display devices 320, 325 are connected to WLAN 330 via twisted pair and the display devices are also support both HomeRF and 802.11b wireless protocol (see paragraph 0048).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to select the communication path (either wireless or wired) based on component preference or bandwidth capacity in the system taught by *FALVO* when communicating with twisted pair connected 80211b wireless capable display devices (320, 325) in order to communicate data immediately and effectively.

Regarding claim 19, *FALVO* discloses a respective address is associated with each path (see paragraph 0079).

Regarding claim 20, *FALVO* discloses wherein the addresses are IP addresses (see paragraph 0079).

Regarding claim 21, *FALVO* discloses at least one component is selected from the group of components consisting of: televisions, and portable computers (see figure 3 and paragraph 0013).

Regarding claim 22, *FALVO* discloses the component is a TV (see figure 3 and paragraph 0013).

Regarding claim 23, *FALVO* at least one of: a server, and a component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair and communicating based on each preferred connection).

Regarding claims *7-8, 16-17, 24-25*, *FALVO* fails to explicitly disclose that WLAN bridge selects/determines which path to use for communication based at least in part on a bandwidth capability and based on at least part on an occupancy ratio.

As shown in figure 3, the display devices in the in home network 305 are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made selects the path based on the bandwidth capacity of the link and occupancy ratio of the link in order to improve the system's performance by avoiding congestion on the link.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083.** The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chirag G. Shah**, can be reach on **(571) 272-3144.** The fax phone number for this group is **(571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BOB A PHUNKULH/
Primary Examiner, Art Unit 2419